

# NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

## Minutes of Meeting

September 10, 2004

---

### Attendance:

**Medard Kopczynski, Acting Chairman, Department of Safety**

Tyler Carlisle, Board of Engineers, licensed electrical engineer

Jerry Tepe, Board of Architects, licensed architect

John Tuttle, NH Home Builders Association, Architectural designer – residential

James Petersen, PE, Board of Engineers, licensed mechanical engineer

George Maihos, NH Electricians Board, licenses master electrician

Thomas S Lambert, Chief, NH Association of Fire Chiefs, Municipal Fire

Wes Golomb, Public Utilities Commission, State energy conservation code office

Mark Weissflog, NH Electrical Contractors Business Asso., licensed master electrician

Tedd Evans, Board for licensing and regulation of plumbers, licensed master plumber

### Excused:

Robert Clegg, Chairman, NH Department of Safety

Kenneth Andrews, NH Building Officials Association, municipal building official

Michael Santa, CBO, Governor's Commission on Disability, Architectural barrier/free design

Joel Fisher, Board of Engineers, licensed structural engineer

Fred Baybutt, Associated General Contractors, building contractor – non-residential buildings

### Absent:

Rick Swain, NH Plumbing & Mechanical Contractors Assoc., mechanical contractor, business

Bruce Phillips, NH Association of Fire Chiefs, municipal volunteer fire chief

### Guests:

Marta Modigliani, Attorney, Department of Safety, Office of the Commissioner

Chris Williams, Manchester Chamber of Commerce

Stephanie Lewry, Intown Manchester Management

### **GENERAL MEETING:**

Chairman Clegg could not be in attendance. Med Kopczynski was appointed to fill in during his absence.

*Presentation by J Christopher Williams – guest speaker:*

Mr. Williams gave a brief introduction of himself and introduced Stephanie Lewry. One issue in revitalizing the downtown area is that the owners of the buildings unable to make the investment possible to bring the buildings up to the standard that would make residential living allowable, and affordable. Mr. Williams passed out some information to Board members. NJ was the first State to start looking at the idea of Smart Codes. Level 1 alterations – would be the removal or replacement of materials with new materials. Level 2 alteration – would be configuration of space. Level 3 alteration – effects anything when work area is impacted in more than 50% of the building. Mr. Williams invited Board members to attend a Round Table on September 23, at 8:00 am in Manchester, on this particular subject. With the Boards input, they would like to put together a package for the next legislative session.

John Tuttle suggested that Mr. Williams might want to check out US Green Building Council's web-site, as they are working on a LEADS process which sounds like they are on a parallel track with what he is trying to accomplish. Chairman Kopczynski stated that this item will be placed on the Agenda for next months meeting.

Adoption of meeting minutes for August 13, 2004:

Tyler Carlisle **moved** to hold over the minutes until next months meeting. Motion was duly **seconded**. Vote was unanimous and Chairman Kopczynski instructed them placed on next months agenda.

**NEW BUSINESS:**

Letter to Board from Katrina Browne/Robert Browne 8/26/04:

Letter was referred to Marta. She will report back to the Board.

Letter to Board from NH Electrician's Board 8/10/04:

Letter from the NH Electrician's Board was accepted. Marta will report on the progress of the meetings as they progress in general.

Chapter Bcr 300 Updates and Changes to State Building Code Manuals Rules:

Marta Modigliani addressed the Committee. She gave each Board member a copy of what was on the web-site currently. Based on last months meeting – the correct amendments to the International Plumbing Code were incorporated, 303.01 b and 304.01 a 14.

Jerry Tepe said it is not correct. It is “**less than 25**” not “**25 or less**”. George Maihos asked about #5 – Marta said that 307 says the National Electric Code was replaced March 14 with the 2002.

Saf-C 6000 State Fire Code – Conditional Approval 8/30/04:

Marta addressed the Committee. Marta said she is drafting a letter to accompany the comments, and it will go to the Division of Administrative Rules today. Chair Kopczynski will make the letter available to the members so those who wish to may attend the JLCAR meeting. Tyler Carlisle thought that the word “**bars**” be taken out in a couple of places where it says ‘bars, dance halls, discotheque’ – 6008.05, and where it says “**and fire resistance tables**” Saf-C 6008.06. Jerry Tepe clarified it by saying that we are only adopting the height and area limitations, not effecting the fire resistance tables. Marta will change the title. The Chair said we are satisfied for now with where they are. May have to make some changes later on. John Tuttle asked item #12.7.1 and item #13.7.1 wanted to know if there was a difference between the two, Section # 608.04. Bill Degnan clarified that reference is new and existing. 12 is new and 13 is existing. Mark Weissflog asked under 6010.01 about electrical installations, is this in addition to the appeal process under RSA 319:C for the Electrician's Board? What would the typical process be for someone appealing? Bill Degnan clarified that this does not effect the Electrician's Board, this is in regards to enforcement activities dealing with the Electrical Code. Marta stated that the Electrician's Board regulates the actual licensing of the electricians themselves as professionals. Bill Degnan said that yes, they would appeal if its an opinion that they request a variance from the State Fire Marshal.

Approval of Bcr 207.01 – Final Proposal:

Marta addressed the Committee. After last months meeting she did not receive any public comments. The Chair stated that there was consensus among the members that this Final Proposal was acceptable. Jerry Tepe made the **Motion** to adopt and approve the Final Proposed Rules. Tyler Carlisle **Seconded** the motion. Chair asked if there was any discussion – hearing none, called for a vote. Vote was taken and was unanimous and so declared by the Chair. Marta stated that this will before the JLCAR in October.

Bcr 215 – Interim Rules:

Marta spoke to the Board – said these are suggestions were made by the Department of Justice and should warrant some discussion. For the record, the definition of the State Building Code Review Board – she is not sure it needs to be in there as its already part of the General Definitions in the 200 's. Suggestion is not to accept that. Jerry Tepe also agreed that it would not be needed, always try to avoid duplication of terminology. Marta went on 215:03 A – no issue unless the Board does, same with number B. Under number 2 – the issue was as a result of the telephone call that was administrative remedies. The Board wanted to make sure it had the authority to accept an appeal if a licensee had not resolved its administrative remedies, i.e., Motion for Re-Hearing from the lower body. Board member had no comments or suggestions. Marta went on to D – clarifications. Number 8, there was a specific request that the Board pays for the transcripts. Tyler Carlisle stated that Boards may not have the funds to do the transcripts, and said that Chairman Clegg was reluctant to put it on the people making the appeal. George Maihos stated that in the Electrician's Boards Rules/Law it says specifically that they are not to pay for these things that is why this was brought up. Mark Weissflog asked how it was handled on the Plumbers Board. Tedd Evans said the appellant has to pay for it, and he asked where this Board is getting funding. Tyler Carlisle said that it was the Electrician's Board, the

Plumbers Board would be the ones paying. Marta added that even in the Board of Hearings, its the appellant who is responsible for paying unless it goes before the Supreme Court. Chairman Kopczynski asked Marta to make language to include the comment in with the Rules. Marta will make the change. All transcripts from the licensing board hearings shall be provided to the Board. Marta also suggested on taking out H all together. Chairman Kopczynski said yes. Mark Weissflog made a **Motion** to accept the changes as discussed. Motion was **Seconded** by Tedd Evans. Chairman asked if there was any further discussion. Hearing none, took the vote. Vote was unanimously, and so declared by the Chair.

OTHER BUSINESS: Med Kopczynski thanked Chairman Clegg for giving him the opportunity to Chair the meeting today. Asked for a Motion to adjourn. **Motion** was made and duly **Seconded**. Vote was unanimous.